

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS

MONTRELL HOLMES,

Plaintiff,

v.

DR. OBADINA, *Treating Physician at
Pinckneyville Correctional Center, et al.*,

Defendants.

Case No. 09-cv-47-JPG

MEMORANDUM AND ORDER

This matter comes before the Court on Magistrate Judge Donald G. Wilkerson's Report and Recommendations ("R & R") (Doc. 75) of December 8, 2010, wherein it is recommended that the Court find Plaintiff Montrell Holmes exhausted his administrative remedies as to Defendants.

After reviewing a report and recommendation, the Court may accept, reject, or modify, in whole or in part, the findings or recommendations of the magistrate judge in the report. Fed. R. Civ. P. 72(b). The Court must review *de novo* the portions of the report to which objections are made. The Court has discretion to conduct a new hearing and may consider the record before the magistrate judge anew or receive any further evidence deemed necessary. *Id.* "If no objection or only partial objection is made, the district court judge reviews those unobjection portions for clear error." *Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 739 (7th Cir. 1999).

Here, neither party has filed an objection to Magistrate Judge Wilkerson's R & R. Subsequently, the Court has reviewed the R & R for clear error and finds that it is not clearly

erroneous. As such, the Court **ADOPTS** the R & R (Doc. 75) in its entirety, whereby the Court **FINDS** Holmes exhausted his administrative remedies as to Defendants.

IT IS SO ORDERED
DATED: March 3, 2011

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE